

BOISE, MONDAY, FEBRUARY 6, 2023 at 10:00 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

In the Interest of: JANE DOE (2021-38),)	
Juvenile Under Eighteen (18) Years of Age.)	
-----)	
STATE OF IDAHO,)	
)	
Petitioner-Respondent,)	
)	Docket No. 49095
v.)	
)	
JANE DOE (2021-38),)	
)	
Respondent-Appellant.)	
_____)	

Appeal from the District Court of the Fourth Judicial District of the State of Idaho, Elmore County, Gerald Schroeder, District Judge.

Eric D. Fredericksen, State Appellate Public Defender, Boise, for Appellant.

Raúl R. Labrador, Idaho Attorney General, Boise, for Respondent.

Jane Doe appeals from the district court's order, on intermediate appeal, affirming the juvenile court's findings and conclusions that she committed the crime of battery, bringing her within the purview of the Juvenile Corrections Act. Jane Doe contends that the district court erred in determining that the juvenile court did not err in its use and application of Idaho Criminal Jury Instruction 1517 to Jane Doe's self-defense claim. Specifically, Jane Doe argues that Instruction 1517 does not accurately set forth Idaho law on self-defense in light of Idaho Code section 19-202A. In response, the State contends that Jane Doe waived her challenge to the juvenile court's use and application of Instruction 1517 by failing to object below and that the fundamental error doctrine does not apply because her assignment of error is not constitutional in nature. In the alternative, even if her claim of unobjected error is constitutional in nature, the juvenile court's use and application of Instruction 1517 was not fundamental error that requires reversal and remand.